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Message Text

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ORIGIN NEA-11

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DRAFTED BY NEA/ARP:FHGERLACH:SLB
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----------079556 221732Z /47
O R 221708Z MAY 78
FM SECSTATE WASHDC
TO AMCONSUL DHAHRAN IMMEDIATE
INFO USLO RIYADH
AMEMBASSY JIDDA

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E.O. 11652: N/A

TAGS: CASC (MACDONALD, JOHN L.), SA

SUBJECT: JOHN MACDONALD

REF: A) JIDDA 3693; B)GERLACH-BUSHNELL TELCON OF 5/22/78

1. FOLLOWING IS EXACT TEXT OF STATEMENT ON MACDONALD CASE PREPARED BY DEPARTMENT WITH REF A AS BASIS: QUOTE:

---- ---- --- MR. JOHN MAC DONALD ---- ----
---- ---- REPORT OF THE CONSULATE GENERAL --- ---
--- ---- DHAHRAN, SAUDI ARABIA ---- ---
---- ---- MAY 17, 1978 ---
-----ON NOVEMBER 29, 1977, JOHN MACDONALD INFORMED CONSULAR OFFICERS IN DHAHRAN THAT HE WAS INVOLVED IN A SERIOUS BUSINESS DISPUTE WITH HIS SAUDI PARTNERS AND HIS PASSPORT HAD BEEN TAKEN INTO CUSTODY. THE DISPUTE INITIALLY WAS
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OVER WHO WOULD PAY FOR THE ERECTION OF A PREFABRICATED PLANT. THE CONSULATE GENERAL IN DHAHRAN AND THE DAMMAM CHAMBER OF COMMERCE MADE SEVERAL ATTEMPTS TO MEDIATE THE DISPUTE IN EARLY DECEMBER, BUT WERE NOT SUCCESSFUL. ON DECEMBER 13, THE LOCAL TRIBUNAL FOR THE SETTLEMENT OF COMMERCIAL DISPUTES BEGAN HEARINGS ON THE CASE. DURING THESE HEARINGS, THE DISPUTES BOARD MADE REPEATED EFFORTS

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TO MEDIATE THE DISPUTE. BOARD MEMBERS SEEMED INCREDULOUS

THAT MR. MACDONALD WOULD NOT AGREE TO SPLIT THE 28,000 DOLS. ERECTION COSTS WITH HIS SAUDI PARTNERS, SINCE IT WAS COSTING BOTH PARTIES MORE MONEY TO DELAY AND ARGUE THAN THEY WERE DISAGREEING OVER. THE DISPUTES BOARD FINALLY RULED ON JANUARY 7, 1978 AND FOUND MR. MACDONALD LIABLE FOR THE DELIVERY AND ERECTION OF THE PREFABRICATED PLANT, CITING A CONFIDENTIAL MEMORANDUM ATTACHED TO THE ORIGINAL LETTER OF CREDIT BY AN INTERNATIONAL BANK AS THE PRIMARY REASON FOR THIS DECISION. THE CONSULATE GENERAL WAS THEN INFORMED BY THE EASTERN PROVINCE EMIRATE THAT AS SOON AS MR. MACDONALD HAD SUCCESSFULLY MADE ARRANGEMENTS TO CARRY OUT THE DECISION OF THE DISPUTES BOARD THE EMIRATE WOULD ARRANGE HIS IMMEDIATE DEPARTURE FROM SAUDI ARABIA.

-----MR. MACDONALD, HOWEVER, DID NOT REGARD THE DECISION OF THE DISPUTES BOARD AS BEING EQUITABLE AND APPEALED HIS CASE TO THE KING, THE MINISTRY OF COMMERCE, AND THE MINISTRY OF THE INTERIOR IN RIYADH, ALL AT THE SAME TIME. HE ALSO MADE NEW COUNTER-CLAIMS AGAINST HIS SAUDI PARTNERS AND MADE SERIOUS ALLEGATIONS OF MISCONDUCT AGAINST SEVERAL LOCAL OFFICIALS.

-----THE RESULT OF MR. MACDONALD'S ACTIONS WAS TO HAVE THE LIMITED OFFICIAL USE

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CASE FILE ORDERED TO RIYADH BEFORE HE WAS ABLE TO CARRY OUT THE VERDICT OF THE DISPUTES BOARD, AND THE CONSULATE GENERAL WAS ABLE TO SECURE HIS RELEASE LOCALLY. CONSULAR OFFICERS HAD REPEATEDLY CAUTIONED MR. MACDONALD THAT SUCH APPEALS WERE LIKELY TO PROLONG ANY FINAL SETTLEMENT OF THIS DISPUTE BY SEVERAL MONTHS AND HAD ADVISED MR. MACDONALD TO FIRST SECURE HIS RELEASE AND THEN HAVE A LAWYER MAKE WHATEVER APPEALS HE MIGHT FEEL APPROPRIATE.

-----NEITHER CONSULAR OFFICERS NOR THE SAUDI POLICE WERE ABLE TO LOCATE MR. MACDONALD'S ORIGINAL PASSPORT AND A REPLACEMENT PASSPORT WAS ISSUED.

-----THE CONSULATE GENERAL IN DHAHRAN FOLLOWED MR. MAC-DONALD'S CASE VERY CLOSELY PRIOR TO ITS TRANSFER TO RIYADH AND AT NO TIME DID HE APPEAR TO BE A VICTIM OF PERSONAL HARRASSMENT, PERSECUTION, OR INHUMANE TREATMENT. FROM TIME TO TIME HE WAS BROUGHT TO THE LOCAL POLICE STATION CONCERNING ROUTINE ADMINISTRATIVE MATTERS (A NORMAL PROCEDURE) AND ONCE WAS DETAINED FOR FOUR HOURS UNTIL A NEW SPONSOR WAS FOUND FOR HIM. AT NO TIME DID THE SAUDI POLICE ATTEMPT TO DETAIN MR. MACDONALD BECAUSE HE

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WAS INVOLVED IN A COMMERICIAL DISPUTE. THE CONSULATE GENERAL HAS NO EVIDENCE CONCERNING HIS CHARGES THAT HIS CALLS WERE MONITORED, HIS MAIL CENSORED, HIS ROOM SEARCHED,

AND HIS BEING PLACED UNDER SURVEILLANCE. HOWEVER, IN THE PAST, THIS HAS NOT TO OUR KNOWLEDGE OCCURRED, EVEN IN SERIOUS CRIMINAL CASES. THE CONSULATE GENERAL FELT THE INSISTENCE BY LOCAL AUTHORITIES THAT MR. MACDONALD FULFILL THE OBLIGATIONS OF THE COURT PRIOR TO HIS DEPARTURE FROM SAUDI ARABIA WAS NOT A VIOLATION OF SAUDI LAW OR INTERNATIONAL PRACTICE. VANCE

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TAGS: CASC, SA, (MACDONALD, JOHN L)
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